



STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any **Tier 2** private, local, state or federal facility as defined in ch. NR 216, Wis. Adm. Code, and located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, that discharges

STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

and meeting the applicability criteria in Part II of this permit, is permitted to discharge such storm water to waters of the state (including surface waters, wetlands, groundwater, and municipal and private separate storm sewers) provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department of Natural Resources (Department) and covers storm water discharges as of the date of issuance to the facility. This permit will be transmitted by the Department to the permittee along with an attached cover letter stating that coverage under this general permit is appropriate. *This permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter.*

This permit to discharge storm water shall expire at midnight, March 31, 2006.

State of Wisconsin Department of Natural Resources,
For the Secretary

By

Al Shea
Director, Bureau of Watershed Management

Date of Signature

**Tier 2 General Permit for the Discharge of
Storm Water Associated with Industrial Activity**

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PART I. APPLICATION REQUIREMENTS

Tier 2 industrial facility types listed in s. NR 216.21(2)(b), Wis. Adm. Code, shall apply for a storm water discharge permit in accordance with s. NR 216.26. The Department will evaluate the information submitted in the application to determine whether a facility is covered under a storm water general permit or an individual permit, or whether coverage under a permit would be denied. If coverage under this permit is appropriate, the Department will transmit a copy of this permit to the facility with a cover letter indicating the date upon which the permit becomes effective at the facility.

PART II. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY ELIGIBLE FOR COVERAGE BY THIS PERMIT.

A. Applicability. This permit is applicable to point sources which discharge storm water associated with industrial activity to the waters of the state, either directly or via a separate storm sewer system, originating from industrial facilities belonging to:

(1) Manufacturing facilities described by the following SIC codes, but only if contaminated storm water results from the operation of these facilities:

<u>SIC</u>	<u>Description</u>
20--	Food & Kindred Products
21--	Tobacco Products
22--	Textile Mill Products
23--	Apparel & Other Textile Products
2434	Wood Kitchen Cabinets
25--	Furniture & Fixtures
265-	Paperboard Containers & Boxes
267-	Misc. Converted Paper Products
27--	Printing, Publishing, & Allied Industries
283-	Drugs
285-	Paints & Allied Products
30--	Rubber & Misc. Plastics Products
31--	Leather & Leather Products
323-	Products of Purchased Glass
34--	Fabricated Metal Products
35--	Industrial & Commercial Machinery & Computer Equipment
36--	Electronic & Other Electrical Equipment & Components
37--	Transportation Equipment
38--	Instruments & Related Products
39--	Misc. Manufacturing Industries
4221	Farm Product Warehousing & Storage
4222	Refrigerated Warehousing & Storage
4225	General Warehousing & Storage

Note: Facilities in SIC codes 311-, 3441 and 373- are included in s. NR 216.2192)(a)1. as Tier 1 facilities.

(2) Transportation facilities described by the following SIC codes that have vehicle maintenance shops, equipment cleaning operations, or airport de-icing operations. This only applies to those portions of these facilities that are either involved in vehicle maintenance including rehabilitation, mechanical

repairs, painting, fueling, lubrication, and associated parking areas, or involved in cleaning operations, or de-icing operations, or that are listed as a pollution source area under s. NR 216.02(2)(d):

<u>SIC</u>	<u>Description</u>
40--	Railroad Transportation
41--	Local & Interurban Passenger Transit
42--	Trucking & Warehousing
43--	U.S. Postal Service
44--	Water Transportation
45--	Transportation By Air
5171	Petroleum Bulk Stations & Terminals

(3) Facilities described by the following SIC codes, including active and inactive mining operations. This permit only applies where storm water runoff has come into contact with any overburden, raw material, intermediate product, finished product, by-product, or waste material.

<u>SIC</u>	<u>Description</u>
10--	Metal Mining
12--	Coal Mining
13--	Oil & Gas Extraction
14--	Non-metallic Minerals, except fuels

Note: An industry-specific permit has been developed that combines process and storm water requirements for 14-- (non-metallic mining) facilities.

This permit does not apply to non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990; nor to coal mining operations released from the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act authority under 30 U.S.C. 1201 et seq. and 16 U.S.C. 470 et seq. Production, processing, or treatment operations or transmission facilities associated with oil and gas extraction are included only if there has been a discharge of storm water after November 16, 1987 containing a reportable quantity of a pollutant, or if a storm water discharge contributed to a violation of a water quality standard.

(4) Facilities subject to storm water effluent limitation guidelines, new or existing source performance standards, or toxic pollutant effluent standards under 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c), 1326 (c), except for those facilities identified in paragraph A.(1) that do not have contaminated storm water.

(5) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act under 33 U.S.C. s. 1345.

(6) Hazardous waste treatment, storage, and disposal facilities, including those operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) under 42 U.S.C. 6921 et seq.- 6934.

(7) Landfills, land application sites, and open dumps that receive or have received any industrial waste from any of the facilities identified in Part II.A. of this permit, including those subject to regulation under subtitle D of RCRA, under 42 U.S.C. 6901 et seq.

(8) Steam electric power generating facilities, including coal handling sites but not including off-site transformer or electric substations.

(9) Facilities described in SIC code 2951 for asphalt paving mixes and block, and facilities described in SIC codes 3271, 3272 and 3273 for cement products.

(10) Facilities originally covered under a Tier 1 general permit, but subsequently covered under a Tier 2 general permit pursuant to s. NR 216.22, Wis. Adm. Code.

B. Authorized Discharges. This permit authorizes storm water point source discharges to waters of the State from industrial activities identified in Part II.A. of this permit. This permit also authorizes the discharge of storm water commingled with flows contributed by process and non-process wastewater, provided those flows are regulated by other WPDES permits.

C. Movement to Tier One Coverage. In accordance with s. NR 216.23.10, Wis. Adm. Code, the Department may revoke coverage under this permit. In this case, the permittee shall reapply for tier one general permit coverage.

D. Exclusions. The following are excluded from coverage under this permit:

(1) This permit shall not be used to provide initial permit coverage to a storm water discharge within Indian Country after September 30, 2001. Contact the DNR Northeast Regional office at (920) 492-5800 or the DNR Central office at (608) 267-7694 for non-Indian discharges within Indian Country to determine if state permit coverage from the Department is required. Storm water discharges within Indian Country from non-tribal lands that have state coverage under this general storm water permit prior to September 30, 2001 may continue to be covered under this state general permit for purposes of state law.

(2) Storm water discharges that affect wetlands, unless the Department determines that the storm water discharges is in conformance with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

(3) Storm water discharges that affect endangered and threatened resources, unless the Department determines that the storm water discharges is in conformance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.

(4) Storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

(5) Areas located on plant lands which are segregated from the industrial activities of the plant, such as office buildings and accompanying parking lots, if the drainage from the segregated areas is not mixed with storm water drainage from pollution sources listed in Part III.B.(2)(d) of this document.

(6) Facilities where the Department makes a determination, pursuant to s. NR 216.25(3), Wis. Adm. Code, that a storm water discharge is more appropriately covered under an individual WPDES permit. The Department may make this determination if one or more of the following conditions are met:

(a) The storm water discharge is a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit; or

(b) The facility is not in compliance with the terms and condition of this permit or ch. NR 216, Wis. Adm. Code.; or

(c) Effluent limitations or standards are promulgated for a storm water discharge covered by this permit.

(7) Storm water discharges that are regulated by permits containing storm water effluent limitations.

PART III. STORM WATER POLLUTION PREVENTION PLAN.

A. Storm Water Pollution Prevention Plan Required. All permittees covered under this storm water general permit shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP).

B. Purpose and Content of a Storm Water Pollution Plan.

(1) Purpose of the Plan. Any SWPPP prepared under this permit shall: 1) identify sources of storm water and non-storm water contamination to the storm water drainage system; 2) identify and prescribe appropriate "source area control" type best management practices designed to prevent storm water contamination from occurring; 3) identify and prescribe "storm water treatment" type best management practices to reduce pollutants in contaminated storm water prior to discharge; 4) prescribe actions needed either to bring non-storm water discharges under WPDES permit or to remove these discharges from the storm drainage system; 5) prescribe an implementation schedule so as to ensure that the storm water management actions prescribed in the Storm Water Pollution Prevention Plan are carried out and evaluated on a regular basis.

(2) Required Plan Content. The SWPPP shall contain, at a minimum, the following items and provisions:

(a) Pollution Prevention Individual. The SWPPP shall identify by job title the specific individual responsible for all aspects of SWPPP development and implementation. The individual acting in that job title shall have the responsibility to coordinate the development, evaluation, maintenance, and amendment of the SWPPP. The specific individual shall also coordinate facility compliance with the specific management actions identified in the SWPPP, including maintenance practices, conducting monitoring activities, preparing and submitting reports, and to serve as facility contact for the Department.

(b) Facility Site Description and Drainage Base Map. The SWPPP shall contain a short description that summarizes the major activities conducted at various locations throughout the facility. The SWPPP shall also contain a facility drainage base map that depicts how storm water drains on, through, and from the facility to either groundwater, surface water, or wetlands. The drainage base map shall show: the facility property boundaries; a depiction of the storm drainage collection and disposal system, including all known surface and subsurface conveyances, with the conveyances named; any

secondary containment structures; the location of all outfalls, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference, that discharge channelized flow to surface water, groundwater, or wetlands; the drainage area boundary for each storm water outfall; the surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed, or highly compacted soil and the percentage that is pervious such as grassy areas and woods; existing structural storm water controls; and the name and location of receiving waters. The location of activities and materials that have the potential to contaminate storm water shall also be depicted on the drainage base map.

(c) Summary of Existing Sampling Data or Observations. The SWPPP shall summarize any results of available storm water sampling data or other observations that could be useful in characterizing the quality of storm water discharges or identifying sources of storm water contamination. Available data that characterizes the quality of storm drainage discharges under dry weather flow conditions shall also be included, except when such data has or will be reported to the Department under another WPDES permit.

(d) Potential Sources of Storm Water Contamination. The SWPPP shall identify all potential source areas of storm water contamination, including but not limited to:

- outdoor manufacturing areas;
- areas of significant soil erosion;
- industrial plant yards;
- immediate access roads and rail lines;
- material handling sites (storage, loading, unloading, transportation, or conveyance of any raw material, finished product, intermediate product, by-product or waste);
- refuse sites;
- disposal or application of wastewater;
- vehicle maintenance and cleaning areas;
- any other areas capable of contaminating storm water runoff.
- rooftops contaminated by industrial activity or a pollution control device;
- storage and maintenance areas for material handling equipment;
- shipping and receiving areas;
- manufacturing buildings;
- residual treatment, storage, and disposal sites;
- storage areas (including tank farms) for raw materials, finished and intermediate products;
- areas containing residual pollutants from past industrial activity;

The SWPPP shall identify any significant polluting materials or activities associated with the storm water pollution source areas identified in this permit. When possible, specific pollutants likely to be present in storm water as a result of contact with specific materials shall also be listed.

(e) Status of Non-Storm Water Discharges to the Storm Sewer. The SWPPP shall identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system and indicate which are covered by WPDES permits. The SWPPP shall contain the results of the non-storm water discharge monitoring required by s. NR 216.28, Wis. Adm. Code. If such monitoring is not feasible due to the lack of suitable access to an appropriate monitoring location, the SWPPP shall include a statement that the monitoring could not be conducted and the reasons why.

(f) Source Area Control Best Management Practices. The SWPPP shall rely, to the maximum extent practicable, and to the extent it is cost effective, on the use of source area control best management practices designed to prevent storm water from becoming contaminated at the site. Source area control best management practices that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in subsection (b). The SWPPP shall provide for the use of the following applicable source area control best management practices:

1. Practices to control significant soil erosion;
2. Good house-keeping measures, preventive maintenance measures, visual inspections, spill prevention and response measures, and employee training and awareness;
3. Covering or enclosing salt storage piles so that neither precipitation nor storm water runoff can come into contact with the stored salt; or, for permittees that use brine and have salt storage piles on impervious curbed surfaces, a means of diverting contaminated storm water to a brine treatment system for process use; and
4. Use of a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 U.S.C. s. 11023(c)) potentially discharged through the action of storm water runoff, leaching, or wind.

(g) Residual Pollutants. The SWPPP shall identify pollutants that are likely to contaminate storm water discharges to waters of the state following implementation of source area control best management practices. Past sampling data collected at the facility or at sufficiently similar outfalls at other facilities may be used in making this determination. At a minimum, the following pollutants shall be considered for their potential to contaminate storm water:

1. Any pollutant for which an effluent limitation is contained in any discharge permit issued to the permittee, for this facility, by the Department;
2. Any pollutant contained in a categorical effluent limitation or pre-treatment standard to which the permittee is subject for this facility;
3. Any SARA Title III Section 313 "Water Priority Chemical" (42 U.S.C. s. 11023(c)) for which the permittee, for this facility, has reporting requirements and which has the potential for contaminating storm water;
4. Any other toxic or hazardous pollutants from present or past activity at the site that remain in contact with precipitation or storm water and which could be discharged to the waters of the state, and which are not regulated by another environmental program; and
5. Any of the following parameters which might be present in significant concentrations: oil and grease, pH, total suspended solids, 5-day biological oxygen demand, and chemical oxygen demand.

(h) Storm Water Treatment Best Management Practices. When source area controls are not feasible, not cost effective, or when the Department determines source area control best management practices are inadequate to achieve a water quality standard, the SWPPP shall prescribe appropriate storm water treatment practices as needed to reduce the pollutants in contaminated storm water prior to discharge to waters of the state. Proposed or existing storm water treatment practices shall be shown on the facility drainage base map. The SWPPP shall provide for the following types of storm water treatment practices:

1. Storm water significantly contaminated with petroleum products shall be treated for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or general permit is required for discharges of storm water from oil/water treatment devices. Under s. 281.41, Wis. Stats., prior approval of plans for oil and grease removal devices may be required.

2. Point source discharges of storm water contaminated by significant amounts of sediment from eroding areas, including bare earth industrial lots and ongoing industrial processes, shall be treated by filtration or sedimentation reduction type practices designed in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 November 1993 Revision).

(i) Facility Monitoring Plan. The SWPPP shall include provisions for complying with the monitoring requirements specified in s. NR 216.28, Wis. Adm. Code, and Part IV of this permit. The SWPPP shall include a checklist of inspections to be made during the annual facility site inspection. The SWPPP shall also identify for each outfall the type of monitoring that will be conducted, such as non-storm discharge monitoring, storm water discharge quality inspections.

(j) SWPPP Implementation Schedule. The SWPPP shall include an implementation schedule for the requirements of this permit that are consistent with the compliance schedule set forth in Part V. of this permit.

(k) Signature. The SWPPP and SWPPP summary shall be signed in accordance with Part VI.M. and contain the following statement:

"I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information contained in the plan. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information; the information contained in this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the provisions of this document adhere to the provisions of the storm water permit for the development and implementation of a Storm Water Pollution Prevention Plan and that the plan will be complied with."

C. Inclusion of Other Plans to SWPPP by Reference. When plans, the permit application, or activities developed and conducted in compliance with this permit or other federal, state, or local regulatory programs meet the requirements of ch. NR 216, Wis. Adm. Code, the plans or activities may be incorporated into the SWPPP by reference to avoid unnecessary duplication of regulatory requirements.

D. Amending a SWPPP. A permittee shall amend a SWPPP under the following circumstances:

(1) When expansion, production increases, process modifications, changes in material handling or storage, or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment, and when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.

(2) The comprehensive annual facility site compliance inspection, quarterly visual inspection of storm water quality, or other means reveals that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to waters of the state.

(3) Upon written notice that the Department finds the SWPPP to be ineffective in achieving the conditions of this general permit.

PART IV. MONITORING REQUIREMENTS.

A. Purpose. Monitoring includes site inspections and non-storm water discharge assessments. The purpose of monitoring is to: a) evaluate storm water outfalls for the presence of non-storm water discharges, and b) evaluate the effectiveness of the permittee's pollution prevention activities in controlling contamination of storm water discharges.

B. Evaluation of Non-Storm Water Discharges. The permittee shall evaluate all storm water outfalls for non-storm water contributions to the storm drainage system for the duration of this permit. Any monitoring shall be representative of non-storm water discharges from the facility.

(1) Evaluations shall take place during dry periods, and may include either end of pipe screening or detailed testing of the storm sewer collection system.

(2) Either of the following monitoring procedures is acceptable:

(a) A detailed testing of the storm sewer collection system may be performed. Acceptable testing methods include dye testing, smoke testing, or video camera observation. The Department shall require a re-test after 5 years or a lesser period as deemed necessary by the Department.

(b) End of pipe screening shall consist of visual observations made at least twice per year at each outfall of the storm sewer collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded;

(3) Results of the non-storm water evaluations shall be included in the SWPPP summary required in Part V.A. and the AFSCI report required in Part V.B.(1). Information reported shall include: date of testing, test method, outfall location, testing results, and potential significant sources of non-storm water discovered through testing. Upon discovering non-storm water flows, which are not covered under another permit, the permittee shall either seek coverage under another permit or eliminate the non-storm water flow.

(4) Any permittee unable to evaluate outfalls for non-storm water discharges shall sign a statement certifying an inability to comply with this requirement, and include a copy of the statement in the SWPPP. In this case, the SWPPP shall be submitted to the Department.

C. Evaluation of Storm Water Discharges. The permittee shall evaluate storm water outfalls for storm water contributions to the storm drainage system. Any monitoring shall be representative of storm water discharges from the facility.

(1) Annual Facility Site Compliance Inspection. Permittees shall perform and document the results of the Annual Facility Site Compliance Inspection (AFSCI). The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the best management practices prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include: the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

(2) Quarterly Visual Monitoring. Permittees shall perform and document quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination.

(3) Monitoring Waivers. The Department may waive specific monitoring requirements for the following reasons:

(a) The permittee indicates that either an employee could not reasonably be present at the facility at the time of the snowmelt or runoff event, or that attempts to meet the monitoring requirement would endanger employee safety or well being.

(b) The permittee indicates that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at an outfall.

(c) An inactive or remote facility (such as an inactive mining operation) demonstrates that monitoring and inspection activities are impractical or unnecessary. At a minimum, the Department shall establish an alternative requirement that the permittee make site inspections by a qualified individual at least once in every 3-year period.

(d) The permittee can demonstrate to the Department's satisfaction that the sources of storm water contamination are outside of the permittee's property boundary and are not associated with the permittee's activities. The demonstration shall be presented in the SWPPP and submitted to the Department for evaluation.

PART V. COMPLIANCE AND REPORTING REQUIREMENTS.

A. SWPPP Compliance and Reporting Requirements.

(1)(a) Existing facilities shall develop a SWPPP and submit a SWPPP summary to the Department prior to initiating applicable activity on site. The Department may specify a **start date** for existing facilities found operating without a permit that will achieve compliance in the shortest practicable time.

(b) Newly constructed facilities shall develop a SWPPP and submit a SWPPP summary to the Department prior to initiating construction.

(2) The SWPPP shall conform to the requirements specified in s. NR 216.27(3), Wis. Adm. Code.

(3) The SWPPP shall be kept at the facility and made available to the Department upon request.

(4) The SWPPP summary shall be submitted on a standardized Department form, which the Department has provided with this permit.

(5) If a SWPPP summary is incomplete, the Department shall notify the permittee, and may request a review of the entire SWPPP.

(6) Unless an alternate implementation schedule is required as part of the SWPPP, the BMP's identified in the SWPPP shall be implemented within 24 months of the effective date of coverage under this permit for existing facilities and within 12 months of the effective date of coverage for facilities constructed after October 31, 1994.

(7) The permittee shall keep the SWPPP current to correct deficiencies in the original SWPPP. The permittee shall amend the SWPPP and notify the Department in the event of any facility operational changes that could result in additional significant storm water contamination.

B. Monitoring Compliance and Reporting Requirements.

(1) The first AFSCI shall be conducted within 24 months of the effective date of coverage under this general permit. The report shall be written on forms prepared by and available from the Department, and shall contain information from the AFSCI, the quarterly visual inspection, and the non-storm water evaluation. Copies of all of AFSCI, quarterly visual inspection and non-storm water monitoring reports shall be maintained on site for Department inspection for the life of the permit.

(2) The first quarterly visual inspection of storm water discharge quality shall be conducted within 24 months of the effective date of coverage under the permit.

PART VI. STANDARD REQUIREMENTS

A. NR 205, Wis. Adm. Code. The requirements in ss. NR 205.07(1) and (3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these referenced requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under General Permits. Selected s. NR 205.07 requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in this Standard Requirements section can be found in s. NR 205.07(1) or (3), Wis. Adm. Code.

B. Work near Surface Waters and Wetlands. Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. (or Wisconsin Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

C. Duty to Comply. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or withdrawal of permit coverage under this permit and issuance of an individual permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

D. Continuation of the Expired General Permit. The Department's goal is to reissue this general permit prior to its expiration date. However, if that does not occur, s. NR 205.08(9), Wis. Adm. Code, specifies that an application for reissuance of the permit will be considered to have been submitted for all of the dischargers in the class or category covered by this general permit. The class application for general permit reissuance allows the conditions and requirements of the expired permit to remain in effect until the permit is reissued or revoked.

E. Duty to halt or reduce activity. Upon failure or impairment of best management practices identified in the SWPPP, the permittee shall, to the extent deemed necessary by the Department to

maintain compliance with its permit, modify or curtail operations until the best management practices are restored or an alternative method of storm water contamination control is provided.

F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the application or in plans in accordance with the provisions cited in Part III, he or she shall promptly submit such facts or information to Department.

G. Records Retention. All reports and records pertaining to the permittee's coverage under this general permit shall be retained for 5 years beyond the date of the cover letter notifying a facility of coverage under a storm water permit, and shall be made available to the Department upon request.

H. Notice of Termination. If a facility no longer claims coverage under this general permit, the permittee shall submit a signed notice of termination to the Department.

(1) Notice of termination forms may be obtained from the regional offices of the Department or by writing to the Department of Natural Resources, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

(2) Notice of termination forms shall be filed with the appropriate Department regional office or to the Department of Natural Resources, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

(3) Termination of coverage shall be effective upon submittal of written confirmation by the Department to the permittee.

I. Permit actions. As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be modified or revoked and reissued for cause.

J. Modifications to Permit Requirements. The Department may, upon request of a permittee and/or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit. If the Department took this step at its discretion, it would change this general permit following required public noticing and the change would apply to all dischargers covered under this permit.

K. Duty to Minimize. The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this permit.

L. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with this permit and the construction site erosion control and storm water management plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of the permit.

M. Certification and Signature Requirements. All applications for coverage under this permit, notices of termination, plans and reports or information required by this permit shall be signed by the permittee as follows:

(1) for a corporation, by a responsible corporate officer including president, secretary, treasurer, vice president, manager, or a duly authorized representative having overall responsibility for the operation covered by this permit;

(2) for a unit of government, by a ranking elected official or other duly authorized representative;

- (3) for a limited liability company, by a manager; or
- (4) for a partnership, by a general partner; and for a sole proprietorship, by the proprietor.

N. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking, or reissuing the permit or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records or reports required to be kept by the permittee.

O. Liabilities under Other Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act (33 U.S.C. s. 1321), any applicable State law, or regulation under authority preserved by section 510 of the Clean Water Act (33 U.S.C. s. 1370).

P. Property Rights. The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

Q. Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

R. Transfers. This permit is not transferable to any person except after notice to the Department. In the event of a transfer of control of a permitted facility, the new owner or operator shall file a new storm water discharge application.

S. Inspection and Entry. Upon the presentation of credentials, the permittee shall allow an authorized representative of the Department to:

- (1) enter upon the permittee's premises where a regulated permittee or activity is located or conducted, or when records are required under the conditions of the permit;
- (2) have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- (3) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit;
- (4) to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters in storm water at any location.

T. Spill Reporting. The permittee shall immediately notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state, unless the spill or release of pollutants has been immediately reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

U. Submitting Records. Unless otherwise specified, any reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted to the Department office identified in the attached cover letter.

V. Notification of Noncompliance. Reports of noncompliance with requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days of the permittee

becoming aware of the noncompliance. Any report of noncompliance shall include: a description of the noncompliance; its cause; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and the effect of the noncompliance on the permittees ability to meet remaining schedules.

W. Enforcement. Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.

X. Toxic Pollutants. In accordance with s. NR 102.12 Wis. Adm. Code, this permit requires that new and increased discharges as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries, be limited to the maximum extent practicable when such discharges result from the contamination of storm water by contact with raw materials, products, by-products or wastes used or stored by the permittee.